

SPEECH OF  
THOMAS D. ELIOT,

OF MASSACHUSETTS,

*Delivered in the House of Representatives Feb. 10, 1864, on the bill for  
the establishment of a Bureau of Freedmen's Affairs.*

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MR. SPEAKER, in introducing this bill I bespeak for it the favor of the House, and\*invoke their attention to the arguments constraining us to its speedy passage.

In December, 1860, the Legislature of South Carolina enacted her ordinance of secession. The evil example of that traitor State was followed by the independent action of other States, and the Rebel Confederacy was organized. Its object was to destroy this Union and to build upon its ruins another government to be known as the great slave Power of the century. The first act of war was committed in April, 1861. On the 15th of April the President made his proclamation calling for seventy-five thousand men and summoning both Houses of Congress in extra session. The Thirty-Seventh Congress assembled on the 4th of July, 1861. On the 6th of August an act was passed "to confiscate property used for insurrectionary purposes." The fourth section of that act provided that when persons "claimed to be held to labor or service" were required or permitted to take up arms against the United States, or to work or be employed in military service against the United States, the person who claimed such labor or service should forfeit his right thereto. It was a gentle act, but it was the beginning of a good work. By virtue of its provisions many thousands of slaves have been made free. At the second session of that Congress I had the honor to report from the select committee a confiscation bill, and after full debate the bill, as amended in committee of conference, was finally passed. By the ninth section of that act it was provided that slaves of rebels escaping within our lines or captured from them or deserted by them and coming under our control, or found within any place occupied by rebel forces and afterwards by our own forces, should be deemed captives of war and forever freed from slavery. On the 1st of January, 1863, the President, as Commander-in-Chief of the Army and Navy in time of armed rebellion, and as a fit and necessary war measure for suppressing the rebellion, declared free all persons held as slaves in certain specified States and districts. In his proclamation, the President recommended to those people so declared free to abstain from all violence, unless in necessary self-defense, and advised them to labor faithfully for reasonable wages. And upon that great act, which the President sincerely believed to be an act of justice, warranted by the Constitution upon military necessity, he "invoked the considerate judgment of mankind and the generous favor of Almighty God."

The immediate effect of such legislation and of the proclamation of the President was to bring under the control of our Government from rebel States, and in districts conquered by our arms, large multitudes of freedmen who had ceased to be slaves but had not learned how to be free.

On the 19th of January, 1863, I introduced a bill to establish a Bureau of Emancipation. It was referred to a select committee, but for want of time was not reported by them to the House. That bill, again introduced at this session, and made more efficient in the light of a year's experience, is now before us. Its provisions have been carefully examined in committee, and I will endeavor to explain them and the necessity of this legislation, its object, and its expected benefits to the freedmen and to ourselves.

The question is not now whether Mr. Lincoln was correct as a statesman when he declared that his proclamation was "warranted by the Constitution upon military necessity." The question is not now whether Congress did or did not transcend its powers in August, 1861, or in July, 1862. Upon those questions we have all arrived at a judgment. During the debate upon the confiscation act they were fully discussed; and whatever our judgment may be, a great fact now exists which we must recognize, and which cries out to us for legislation. By reason of that proclamation, and of our past legislation, and of the successes which have been achieved by our armies under their valiant generals, three million persons held as slaves have become and are becoming in fact free.

By the census of 1860, the following slave population is found to have been in the rebel States :

Alabama.....	435,080	North Carolina.....	331,059
Arkansas.....	111,115	South Carolina.....	402,406
Florida.....	61,745	Tennessee.....	275,719
Georgia.....	462,198	Texas.....	182,566
Louisiana.....	331,726	Virginia.....	490,865
Mississippi.....	436,631		
Slaves.....			3,521,110
Deduct the slaves in Tennessee, o wit:.....			275,139

And estimate the excepted portions of Louisiana and Virginia, at:..... 245,971  
and there will remain affected by the terms of the proclamation three millions of slaves.

When Mr. Lincoln declared that "all persons held as slaves within the designated districts" are and henceforward shall be free, he did an act as Commander-in-Chief, which was irrevocable. Whatever rights it conferred cannot be withdrawn. He may, as Commander-in-Chief, strike off the chain, but he cannot in any capacity, as chief-tain, or as President, make of a freedman a slave. And we know that Mr. Lincoln so holds the law to be. And as his heart was in that great proclamation of freedom, so his matured judgment rests upon it firmly content. In his message to the present Congress he says, "While I remain in my present position I shall not attempt to retract or modify the emancipation proclamation; nor shall I return to slavery any person who is free by the terms of that proclamation, or by any of the acts of Congress." Shortly after that proclamation was made, I had an interview with the President, and he then said, "I think that proclamation will not of itself effect the good which you anticipate, nor will it do the mischief which its opponents predict." But he "builds better than he knew." That act was the great act of his life. It has become greater daily in the judgment of the world, and in the ages that are to come it will be the corner-stone of his immortal fame. Never before had such opportunity been given to man. For one I reverently recognize the hand of God. He created the occasion, and His servant obeyed the divine command which it involved.

But Mr. Lincoln's proclamation cannot effect the good it contemplated unless, first, it be vindicated and made effective by military success, and, secondly, by appropriate legislation. The shackles have been loosened from the slave, but defeated armies would leave the conquerors free to weld them on again with bolts that could not be stricken off. Mr. Lincoln referred to this possibility in his recent annual message. "It was all the while deemed possible," he says, "that the necessity for it might come," that is to say, the necessity of emancipation as a military measure; "and that, if it should, the crisis of the contest would then be presented. It came, and as was anticipated it was followed by dark and doubtful days. Eleven months having now passed, we are permitted to take another review. The rebel borders are pressed still further back, and by the complete opening of the Mississippi the country dominated by the rebellion is divided into distinct parts, with no practical communication between them." The successes which our Union armies have achieved during the past year have been undisturbed by any failure that can cast a shadow upon the bright certainty of final triumph. In the graveyard at Gettysburg the rebel hopes of victory on northern soil were buried. The stricken hosts of Lee's army will not revisit those fields of blood, where the unladen ghosts of rebel traitors would taunt them with their defeat. Upon the Mississippi, when Vicksburg fell before the consummate genius of Grant and the heroism of his officers and men, and when the keys of Port Hudson were yielded to Banks by hands unwilling to surrender but impotent to resist, a free highway was again thrown open, dividing the region where treason had prevailed and breaking its strength in twain, while it drew together again the North and the loyal South by that bond of living waters which God from the beginning had established. All honor to those men, heroes all of them, in those great battles which crushed the hopes of rebel leaders in the East, and northern traitors, their allies and true friends, and have sealed our assurance of ultimate success. At every step made by our armies upon southern soil freedmen have come within our actual control, and have sought to prove their allegiance and to receive protection. The President tells us that—

"Of those who were slaves at the beginning of the rebellion full one hundred thousand are now in the United States military service, about one half of which number actually bear arms in the ranks."

But three times that number would not more than state the aggregate of those who were slaves at the beginning of the rebellion and are now under the protection of our Government. In November, 1862, a committee of Friends, or Quakers, under appointment from the New York Yearly Meeting, visited Washington, Alexandria, Fort Monroe,



Hampton, Norfolk, and Craney Island, to investigate the condition and wants of colored refugees. At that time, before the military proclamation of the Commander-in-Chief, there were in and around Washington about six thousand refugees, at Alexandria, twelve hundred and thirty, at Fort Monroe, Hampton, Fort Norfolk, Craney Island, and Norfolk, six thousand and fifty-four, and many others, whose numbers they could not then ascertain, at Yorktown, Suffolk, and Portsmouth; that is to say, at that early day within this territory there were known to be thirteen thousand two hundred and eighty of these freedmen who wanted work and wages. This commission issued from the New York Yearly Meeting of Friends, was one of the pioneer missions in this great work. The report of William Cromwell and Benjamin Tatham is full of interesting facts and of sound practical suggestions.

The destitution of these people, their suffering from neglect and disease, their willingness and ability to work, their wages promised and earned and half paid, and the ascertained value of their labor to the Government beyond the whole expense involved, are stated in brief and plain language, without exaggeration, and with no harsh comment. Before this action by the New York Yearly Meeting, associations had been initiated in several places by humane men, who contributed freely both time and money in this work; ascertaining facts by personal investigation, and working with the Government so far as they might to relieve, to educate, and to employ those freedmen of the South. The educational commission of Boston, the national freedmen's relief association of New York, and Port Royal relief committee of Philadelphia, had been organized and were actively at work.

Mr. Edward L. Peirce, under instructions from the Secretary of the Treasury, before the supervision of affairs at Port Royal, was transferred from the Treasury to the War Department, went to Port Royal and examined and reported on the condition of the freedmen and on their self-sustaining ability when aided in their early efforts by the Government that had made them free. His earnest labors, aided by the associations of New York, Philadelphia, and Boston, and his admirable reports to Mr. Chase, whose personal and official care have been given heartily to freedmen as well as to finance, have furnished to the committee information of the highest practical character and value. The friends of emancipation in the West have contributed their proportion of money and labor to ascertain the condition of the freedmen upon the Mississippi and to give them the welcome and protecting hand which their untried freedom might require. The contraband relief commission of Cincinnati, Ohio, has recently appointed a committee to suggest a plan for the benefit of freedmen and for the occupation of the lands from which white traitors had fled and on which loyal black men lived. In an able report made by George Graham and John W. Hartwell the establishment of a Bureau of Emancipation is recommended.

At St. Louis the Western Sanitary Commission has been actively employed in the same direction. Of the humane agencies which this rebellion has called into life no one has done more to relieve the soldiers of our western army than this commission. From the beginning of the war these earnest men have labored in their great work. And now they have found opening to them this new field of labor. Their president, Mr. James E. Yeatman, has recently returned from a tour of observation in the lower Mississippi valley from Cairo to Natchez. He has gone in person to the camps where the freedmen are collected and has examined into their condition that he might "ascertain their wants and how they can be relieved and make such recommendations and suggestions for their management and improvement as will bring them as speedily as possible to the enjoyment of the blessings which the President's proclamation of freedom was designed to confer upon them."

During the past year the Secretary of War, Mr. Stanton, and the Secretary of the Treasury, Mr. Chase, have done all that could be done without definite legislation by Congress to make the labor of the freedmen profitable to themselves and serviceable to the country in the camp and in the field. How the freedmen have become soldiers, and what brave soldiers they are, I do not stop to consider. Gentlemen doubted last year whether they would fight. Nobody doubts now. I would that I had time, for I could tell of one from my own city, Sergeant Carney, of the Massachusetts fifty-fourth, whose dark complexion covers but cannot cloud a true soul and a brave heart. I could tell you how he seized the regimental colors and planted them upon Fort Wagner; how he was shot down holding firmly aloft his sacred banner; how he kept his post while men were falling around him, his own blood pouring out the while, until the attack was over; how, after his regiment retired, he remained, his colors flying and within the fort, but no one there to defend or to support him; how he dragged his shattered body alone, holding his banner up, supporting himself with it as with a staff; how he was again sorely wounded by a rebel ball, but kept on his way undaunted and unsubdued until he had drawn himself, his colors flying, toward his regiment; and how, wearied and fainting, he found his men, saying as he fell exhausted and spent, "Here

are the colors boys, they have not touched the ground!" Other men wear stars upon their shoulder; but this man, black though he may be shall live in history, himself a star, fixed and luminous forever.

Sir, where these men have had opportunity they have vindicated their full manhood. They have shown more manly treatment than they have received. They have not feared to fight or to die in battle. We have feared to pay them as soldiers or to acknowledge them as men. At some time prior to June, 1863, Messrs. Robert Dale Owen, James McKay, and Samuel G. Howe were appointed commissioners from the American freedmen's inquiry commission, under authority from the Secretary of War, to examine into the condition and the management of emancipated refugees. In June they made their preliminary report, which has been published by authority of the War Department. It concerns the refugees in the District of Columbia, Virginia, North Carolina, South Carolina, and Florida. This report describes their condition as refugees, speaks of them as military laborers, and discusses their ability as soldiers, and it recommends also the establishment of a Bureau in the War Department for the supervision and conduct of their affairs.

Mr. Speaker, your committee has sought and acquired information from all these sources. I have also conferred in person and by correspondence with parties whose business has led them among these refugees, and whose means of personal knowledge of their condition and wants have enabled them to speak with some authority.

Upon one proposition we have found a decided and united judgment. Every one whose knowledge has been personal declares the imperative and immediate importance of such a bill as your committee has reported to the House. For it is true that military successes alone cannot make the great proclamation of Mr. Lincoln fully effective as an act of justice to the freedman, nor as a benefit to the nation at large. To that end there must be appropriate and efficient legislation. Without that a generation of freedmen would be destroyed before a generation of free men would live. Mr. Lincoln says, "I recommend to them," that is, the freedmen, "that in all cases when allowed, they labor faithfully for reasonable wages." So they will if allowed. But who is to allow them? Will you let harpies go among them, or white blood-hounds whose scent is keen for prey, whose fangs are remorseless, whose pursuit is for gold at any cost of human life? Such men have been there; they are there now, under color of Government authority; and the abuses practiced by them sadden and depress the freedmen. The President of the Western Sanitary Commission, speaking from his own observation, says, "he sighs to return to his former home and master. He at least fed, clothed, and sheltered him. Something should be done, and I doubt not will be done, to correct these terrible abuses, when the proper authorities are made to comprehend them. The President's proclamation should not thus be made a living lie, as the Declaration of Independence has too long been, in asserting the inalienable rights of man, while the nation continued to hold millions of human beings in bondage." Neither the considerate judgment of mankind nor the gracious favor of God can be reasonably invoked upon the President's act of freedom unless the law shall protect the freedom which the sword declared.

The President submitted recently to the consideration of the House a letter which he had received from a joint committee of the freedmen's aid societies of Boston, New York, Philadelphia, and Cincinnati. The sources of accurate knowledge which have been open to these parties entitle what they say to great consideration. We look into history and it is silent. No voice of the past can define the duties which the great facts of the present time enjoin upon us. We look to England, and the story of her emancipation in the West India Islands is fresh in our memory. The English oak is thrifty in its green old age, in whose shade Wilberforce and Pitt took counsel together before the bill to abolish the slave trade was introduced. But the act of June, 1833, declared to be free some six or eight hundred thousand persons. We have, and shall have, as the free fruits of this rebellion, more than three millions. Yet the act of England also provided for the early years of freedom. Ten years before, Parliament had voted to adopt decisive and effectual measures to ameliorate the condition of the slave population. Those who are familiar with the literature of abolition know what those measures were. The Colonial Secretary of State addressed the Colonial Governors, directing them to submit certain propositions to their Legislatures. The propositions were submitted, but they were all rejected, and the condition of the slaves remained unchanged. Then, ten years afterwards, came the act of emancipation. But that act sought to break gently to the eye the light of day. The slave was to be an apprentice before he became a man. For these apprentices special guardians were appointed and their duties were defined. Before the term of apprenticeship had expired, full freedom was proclaimed in all the colonies. But between the date of the act of emancipation and the final proclamation of freedom in 1839, the Government of England published in documents of all kinds—orders, dispatches, reports, and decrees—fifteen folio vol-



umes, which contained more than seven thousand pages, and we may learn there how their early freedom affected the freedmen and the colonies.

But the condition of things in the West India Islands differed so essentially from the state of facts caused by this rebellion that colonial experiences are only or chiefly valuable to us as demonstrating the necessity of timely and efficient legislation. And if we turn to France, and recall the story of her action to liberate the colonial slave and to elevate the enfranchised man, and review the facts with which that nation had to deal, we find after years of discussion and inaction convulsive abolition decreed in 1794 and deliberate slavery re-established in 1802, until another convulsion created the republic and compelled the decree of 1848. And here also we find legislation and decrees and regulations aiming to protect both freedman and Government, and although we may learn no other lesson we are compelled to learn this—that emancipation, while it restores rights to the slave, devolves high duties upon the Government by whose decree it has been proclaimed. If we look to what was done in Sweden two years before the provisional Government of France had acted, or in Denmark following her example the next year, or in Portugal, or much later in Russia, we still come back to consider our own present duties, guided by this light alone which the experience of other nations gives to us, and which reveals to us the need of immediate and efficient action. No nation upon the face of the earth with whose history I am conversant has held in bondage over so wide extent of country so many millions of human beings as this nation has dared to hold under a Constitution which the people ordained to secure the blessings of liberty and to establish justice; nor has human ingenuity ever devised a system of slavery more debasing in its character to the slave or to his master. Even in Spanish colonies, where the condition of the negro slave has been and is degraded below the level of humanity, rights are secured by law which the master is bound to respect. He may ransom himself and his wife and children by the produce of his labor. He may have a wife by law, and he may change his master if he can find a purchaser whom he confides in. No such rights, nor any others that I know of, are so secured by law as to be made available to the slave in our southern States. Yet the *service of a person*, and not the body and life of a human being, is all that our Constitution ever meant to recognize as the subject of property. Where slavery has been most uncompromising and cruel the freedman is found most helpless and most deserving aid.

Mr. Speaker, this war has been continued for nearly three years. From its commencement it was plain that the freedom of the slave must follow military success. But up to this day not one act has been done by the Congress of the United States to protect freedmen or to aid them in self-protection or self-support. This great work, the greatest work which this rebellion casts upon the Government, has yet to be commenced.

Why, sir, what has been done hitherto? Let me tell you. The rebellion began in April, 1861. In August, at an extra session, an act was passed providing for an annual direct tax of \$20,000,000, duly apportioned among all the States. There were \$5,153,-981 28 apportioned to the rebel States. In June, 1862, an act was passed for the collection of those taxes in insurrectionary districts. The lands were charged with the payment of the tax, and sales of the lands were provided for. Tax commissioners were created and their duties specified. After sales had been effected and the lands purchased on account of the United States, under the terms of the act these commissioners were empowered to lease certain of the lands together or in parcels, the leases to be "in such form and with such security as shall, in the judgment of said commissioners, produce to the United States the greatest revenue." By the tenth section of the act the commissioners are empowered to make rules and regulations, and insert such clauses in the leases as will secure proper and reasonable employment and support, at wages or on shares, of persons and families residing on the lands. That was the first notice taken by legislation of the freedmen.

It is important, because it was a recognition by Congress of an obligation to see that some proper and reasonable employment and support were given to these loyal men. But it was an act whose object was to raise money and get revenue. The lands are to be leased in such form and with such security as will produce the "greatest amount of revenue." The act itself was not dictated by humanity, but by prudence and national thrift. And, sir, I greatly fear that in its administration the "greatest revenue" has had the largest consideration. I trust in God the time is not remote when they may have fair wages for fair work. At this moment there is, as I believe, in the Treasury more than a million dollars which the freedmen have contributed largely to produce. The testimony of parties who have personally examined into the facts concerning work and wages of the freedmen is uniform that not only are those men often employed upon leased lands at less than half wages, but that in many cases, when employed directly by officers of the Government, they are compelled to receive less than one-third of the

wages that similar service from others at the same place and at the same time demanded and received. I know very well how difficult it may be to protect from the calculating speculator who has power the thoughtless and improvident man who wants bread. But over the thoughtlessness and improvidence which oppression has caused, it is both a privilege and a duty to keep kindly guard until the liberty we have vouchsafed shall give to the freedmen mental nerve and moral self-reliance. Mr. Speaker, besides the law I have referred to there have been three distinct appropriations of money made for purposes of colonization.

Already the experience of a year, with the embarrassments created by disloyalty, timidity, distrust, and avarice, has satisfied all who have sought to know the facts that at the end of this rebellion there will be no freedmen whom the economical interests of this Union can afford to spare. My friend from Illinois [Mr. WASHBURN] is seeking to make it easier by legislative provision for white emigrants to come among us. I wish him success. Let them come—the healthy, sturdy, and studious German from the Rhine to the Vistula. We will welcome them all—and the impetuous Irish and the canny Scotch? We have room enough for all loyal men from all lands under the sun. But we cannot spare the freedmen. In those tropical regions of the South where they have been deprived of themselves they have a right to live. And the industrial interests of our country require that their compensated labor should enrich the land which has been cursed by their unpaid toil. But, sir, all our legislation thus far has been for ourselves. We have imposed taxes upon the lands and subjected them to sale. The Government of the United States has become the owner of large tracts of abandoned property. We have appointed tax commissioners and laid on them the duty of leasing lands so as to bring to the Treasury the greatest revenue. We have provided for the ex-patriation of the freedman, but not for his relief. The necessity for practical legislation upon this great subject is thus made plain.

Mr. Speaker, the purposes and objects of this law are twofold; and they are vindicated by the plainest considerations of justice and of self-interest. The Government of the United States stands committed before the world this day by the laws which we have passed, by the proclamation of the President, and indeed by the necessary issues of this rebellion, to a humane and enlightened policy toward the freedmen of the South. Our laws have made them free; the proclamation of the Commander-in-Chief has declared them free; and day by day, as this war has culminated toward the meridian of freedom, hundreds of thousands of loyal men, slaves heretofore, stand before your armies waiting your action, that the freedom you have vouchsafed shall be a blessing and not a curse. Why were these men made free? Was it because slavery was wrong, because it degraded the slave and tempted the master away from the great truths of our common Master who spoke upon the mount? Was it that we might "render unto Caesar the things that are Caesar's?" Was the conscience of the nation troubled by reason of its sins, and did the Commander-in-Chief therefore proclaim his gospel of glad tidings, and did the Congress of the United States therefore emancipate the slaves of rebels? If that had been so in fact; if Congress could have seen that it was better in the sight of God to obey the laws of God rather than the constitutions of men; if the Commander-in-Chief could under his oath of office as a high act of justice, justified as such and not by military necessity, have decreed freedom to the enslaved, it would nevertheless have been incumbent on us to lead them gently into the land of promise, and not to permit them to wander through the wilderness until a generation had died by the way.

But it was not so, and upon the facts of history it would be an act of meanness which no language can fitly describe, and for which no national suffering could fitly atone, if we should leave those men, freshly freed after a life of servitude, children of the nation as they are, to grope their way into the light without parent or guardian or friend. Why, sir, we freed them for our own selfish ends. It was to weaken the enemy. It was as a means of crushing the rebellion. It was because they were made to work while the rebels fought. It was because we wanted their strong arms upon our side. It was because we began to see that we must fight them or free them. Let us not be too self-righteous, for "even the publicans" would have done the "same." Look back and recall the arguments upon which the constitutionality of all legislation has been defended. Sound arguments they were, and by slow degrees they have commended themselves to magistrates and to men, until now the heart of the nation rests contently upon the logic of their conclusions. But they were arguments drawn from the arsenal of military necessity. They were hurled by the power of the laws of war against a national iniquity, it is true, but against it, not because it was a sin, but because it was a strength to the enemy which we had a right to annihilate and destroy. Well, sir, we have destroyed it, and as our armies march on, its destruction becomes more certain and more universal, and now a great national duty looks us in the face



Sir, we had no right to decree freedom and not to guaranty safe guidance and protection. It does not meet the case to say we had no right to free them, and therefore we will not act. And I invoke the practical statesmanship and the personal humanity of those who do not see their way open to act with us who are now charged with the administration of this Government, to unite with us here and now upon this legislation which existing facts demand. For, whether it was right or wrong under the Constitution to decree emancipation by law or proclamation, it has been done, and it cannot be undone. We are responsible for it. But because of it, and because of the rebellion itself, which preceded military orders and all congressional enactments, three millions of enslaved men have become and are becoming free. Concede it was wrong. What then? Is there a man upon this floor who would send them back to slavery? If not, what shall be done? Shall the Government support them? They must do so in some way, with law or without law. They must not starve. They have been driven into their grave by hunger and by neglect already. Shall this continue? Mr. Yeatman, of the Western Sanitary Commission, after his examination into the condition of freedmen between Memphis and Natchez, writes as follows:

"The poor negroes are everywhere greatly oppressed at their condition. They all testify that if they were only paid their little wages as they earn them, so that they could purchase clothing, and furnished with the provisions promised they could stand it; but to work and get poorly paid, poorly fed, and not doctored when sick, is more than they can endure. Among the thousands whom I questioned none showed the least unwillingness to work. If they could only be paid fair wages they would be contented and happy. They do not realize that they are free men. They say that they are told they are, but then they are taken and hired out to men who treat them, so far as providing for them is concerned, far worse than their 'secesh' masters did. Besides this they feel that their pay or hire is lower now than it was when 'the secesh' used to hire them."

"The parties leasing plantations and employing these negroes do it from no motives either of loyalty or humanity. The desire of gain alone prompts them, and they care little whether they make it out of the blood of those they employ or from the soil. There are of course exceptions; but I am informed that the majority of the lessees were only adventurers, camp followers, 'Army Sharks,' as they are termed, who have turned aside from what they consider their legitimate prey, the poor soldier, to gather the riches of the land which his prowess has laid open to them. I feel that the fathers and brothers and friends of these brave men should have an opportunity to reap, under a more equitable system for the laborer, the reward of the months of toil and exposure it has cost to open this country to the institutions of freedom and compensated labor. If these plantations were required to be sub-divided into parcels or tracts to suit the views and means of our western men, say in farms of from one to two hundred acres, thousands would soon flock to the South to lease them, especially when it was known that one acre of ground there cultivated in cotton would yield, in dollars, ten times as much as at home. Besides this, subdivision would attract a loyal population, who would protect the country against any guerrilla bands that might infest it."

This testimony from one who speaks of what he saw and knows does not stand alone. It is indeed the voice of many who have gone among the freedmen in their new homes along the Mississippi. Yet the Government at Washington has endeavored to do all that in the absence of any legislative authority could have been done without more means of knowledge to guide them in their action. General Thomas, who has been organizing colored regiments under orders from the War Department, found that some plan should be adopted at once to regulate the labor and wages of the freedmen. Such work was not fairly within the scope of his authority, and great errors have been committed; but experience was gained which will be made valuable both to control the rapacity of men whose sole object is gain and to secure the honest laborer his fair compensation. But to illustrate somewhat the treatment these freedmen have been receiving at Memphis, I call attention to one other statement made by Mr. Yeatman;

"Within the city of Memphis, not directly connected with any of the camps or with the colored regiments, there are some *three thousand* freed men and women, mostly freed men, who are employed in various ways and at various rates of compensation. Those employed by Government receive but ten dollars per month; while many could readily earn from thirty to fifty dollars per month. Those thus employed are outside of the military organization.

"To give an instance: one quartermaster told me that he had in his employment a harness maker, to whom they could only pay ten dollars per month, while they were paying white men doing the same work forty-five dollars per month; and that the colored man could readily procure the same wages were he allowed to seek a market

"for his labor in the same town. I saw a number of colored men pressed into service (not military) to labor at the rate of ten dollars per month, one of whom petitioned to be released as he had a good situation at thirty dollars per month. The firemen on the steamboat on which I was passenger from St. Louis to Memphis were all colored, and were receiving forty-five dollars per month. These men were afraid to go ashore at Memphis for fear of being picked up and forced into Government employment at less than one-fourth their existing wages. Besides the fact that men are thus pressed into service, thousands have been employed for weeks and months who have never received anything but promises to pay. The negligence and failure to comply with obligations have greatly disheartened the poor slave who comes forth at the call of the President, and supposes himself to be a free man, and that by leaving his rebel master he is inflicting a blow on the enemy, ceasing to labor and provide food for him and the armies of the rebellion. Thus he was promised freedom, but how is it with him? He is seized in the street and ordered to go and help unload a steamboat, for which he will be paid, or sent to work in the trenches, or to labor for some quartermaster, or to chop wood for the Government. He labors for months, and at last is only paid with promises, unless perchance it may be with kicks, cuffs, and curses."

Now, sir, I have faith to believe that this House will, by no party vote, determine that these abuses, so far as they are controllable by legislation, shall be controlled. These facts are not isolated. Indeed I fear they are not exceptional. But they demonstrate that on grounds of humanity—and it is the argument for humanity that I am trying to present—the time has come when the representatives of the people should act. Longer delay is criminal. Why, sir, if this bill as it was introduced one year ago had then become a law, and if the bureau it contemplates had been organized by a man of genius and of heart—for both are wanted for this work—many hundreds of lives would have been saved, much gross injustice would have been prevented, and a large profit would have been realized by the Government that would have amply reimbursed their entire outlay. And that brings me to consider the object of this bill as connected with the interests of the people and of the Government. That it is for our interests, material, political, and pecuniary, to protect these men so far as they require protection, and no further, it will not be difficult to prove. It is almost to be regretted that the argument is so strong. The necessities of war compelled us to make them free. We are entitled to a small praise for that. And if now, besides all reasons resting on broad grounds of justice and humanity, it shall appear that a decent regard to prudential and pecuniary considerations requires just such legislation as we are trying to initiate, it will not become us, I fear, to assume much credit for a philanthropy which will be profitable as well as godly!

It would be but fair in this argument to credit the freedmen with one hundred thousand men in the military service of the Government. That number will be doubled before many months have passed. Every man of them stands for a son, a brother or a friend. By just so many men our own homes are the happier and the more productive. What would those lives be worth to us if we could compute their value in money? But it may be said that does not tend to prove that a bureau is wanted: we may take all the strong men that can bear arms without being troubled with women and children. I do not believe any gentleman will be found with hardihood enough to make such suggestion. But it is not true. How long will those strong men fight in our ranks when it shall be known to them that the Government for which they peril their lives permits the unarmed freedmen and all the women and children upon the plantations of the South to be oppressed? These freedmen are men, and although they have been humbled by their condition they have the affections of men. They know their value to us, and they know our value to them; they will fight bravely, heroically, to the death. But you may depend upon it they will not fight, and they ought not to fight, if the Government shall declare its policy to be that plantation lessees may absorb the muscle and sinew and labor of all who do not fight but can work, and that for half wages half paid, while they wage battle with the rebels at the risk of slaughter upon the field and with the certainty of death if captured by the enemy.

It is then but fair, when we consider the selfish reasons urging us to action in the direction of this bill, that we remember the priceless value of these fighting men, and that we appreciate the importance of giving to them legislative assurance that those who are left at home are not left subject to the caprices and the avarice of men who regard them as serfs of the soil, and as instruments by which to work out their own way to fortune.

But, Mr. Speaker, the uniform testimony of the men who have witnessed the willingness and the ability of these freedmen by profitable employment demonstrates that, by judicious and timely aid and under the supervision of superintendents able and willing to "organize and direct their labor and to adjust with them their wages," the liberated slaves who shall not have been received into our ranks will return to the



Government in produce and in money more than shall be expended on their account.

At Fort Monroe more than a year ago it was ascertained that although the colored laborers employed by the Government were paid less than half the price paid for the same service here at Washington, a sum not less than thirty thousand dollars was due to them for work. At Lawrence in Kansas, where a school for refugees had been established before October, 1862, a stranger who visited them and saw the cleanliness and good order that prevailed said to the superintendent, "This must have cost a good deal of money." "Not a cent, not a cent," was the reply. "These children are dressed at the expense of their parents from the proceeds of their own earnings since they have been here." These refugees had gone from Missouri and Arkansas. There were but a few hundreds, but where they found employment they accumulated money and property at once. But they had required help. One man of some means had given to them orders for supplies to the amount of five or six hundred dollars. But the whole sum excepting eight dollars had been paid by the refugees themselves. Captain E. W. Hooper, aid to General Saxton, one year since wrote from Beaufort that after an experience then of eight months among the freedmen of South Carolina, where we know that slavery has done its worst to brutalize the master and to enfeeble its victims, and with good opportunity to observe the conduct of the freed negroes as laborers, it was his "personal conviction that almost without exception they would readily become industrious and productive laborers under any liberal system which should offer a fair and reasonably certain compensation proportioned to the work actually done." From Craney Island, in Virginia, from Helena, in Arkansas, from St. Helena and other islands in South Carolina, the proof is plenary that with judicious aid and under a fair system of labor and wages the expenses involved in the first necessary outlay would be reimbursed by the productive labor of freedmen within a reasonable period of time. The "facts" published by the emancipation league and the letters and reports to which I have already adverted permit us to entertain no doubt that this bureau will, if placed in the charge of able and administrative men, be conducted substantially without cost to the Government.

Mr. CLAY. I wish to know whether the gentleman intends to include within this emancipation bill the State of Kentucky; whether he intends to trample under foot the constitution of Kentucky, and free every slave without the consent of their owners?

Mr. ELIOT. I am happy to say to the gentleman that Kentucky is this time out of the ring altogether. This bill does not contemplate Kentucky at all, and has no reference to it.

Mr. CLAY. I will say that the gentleman goes so far as not only to take all the negroes in the South, but he is disposed to seize all the lands in that country, under the idea that they are abandoned. I have many constituents who hold property in that country who are all loyal men, but who are living in the State of Kentucky and never have lived in the South. I wish to know whether the lands of residents in Kentucky are to be considered as abandoned, and hence to be seized and disposed of under this bill?

Mr. ELIOT. Where do the loyal citizens, the constituents of the honorable gentleman, reside?

Mr. CLAY. In my district.

Mr. ELIOT. Where are their plantations?

Mr. CLAY. In Mississippi, Arkansas, Louisiana, and Tennessee.

Mr. ELIOT. And those plantations are owned by men residing in the district of my honorable friend?

Mr. CLAY. Yes, sir.

Mr. ELIOT. If they are not abandoned plantations they do not come at all under the range of this law. If those plantations are abandoned I think the honorable gentleman's constituents are rebels.

Mr. CLAY. I go further, and say that I am the owner of a plantation there myself. [Laughter.] Because I am attending to my duties here on behalf of my constituents is my plantation there to be considered as abandoned and to come under this law?

Mr. ELIOT. No, sir; the gentleman is constructively upon his plantation.

Mr. CLAY. The overseers on those plantations have been driven off by the military authorities; and are the plantations to be seized as abandoned property on that account?

Mr. ELIOT. Why did they not remain upon their property if they were loyal men? If they were rebels they have probably gone South and are in the ranks of the rebellion. But the desertion by the overseer does not leave the gentleman's farm "abandoned."

Mr. CLAY. They have gone off because the law did not protect them on their plantations. I was myself in Kentucky, and had to go over into Ohio for protection.

Mr. ELIOT. If the owners of these plantations are rebels, we will take their slaves if we can, and take care of them until they can contribute to their own support.

Mr. HOLMAN. I desire to ask the gentleman from Massachusetts whether, under the sixth section of this act, abandoned plantations in Kentucky, Maryland, or any one of the slave States, may not be subject to colonization and settlement through the agency of the commission? I call his attention to the proposed amendment to the sixth section, which expressly provides for colonization on these plantations which have been abandoned, without making any distinction between loyal and disloyal slave States.

Mr. ELIOT. If I understand the inquiry of the gentleman from Indiana, it is whether, under the provisions of this bill, some portion of the State of Kentucky may not be taken as colony ground. No, sir; it may not be. This bill proposes no such scheme.

Mr. MALLORY. I wish to ask the gentleman from Kentucky—

Mr. ELIOT. Massachusetts, sir.

Mr. MALLORY. I beg pardon of Kentucky, and of the gentleman from Massachusetts. [Laughter.] I wish to ask the gentleman from Massachusetts whether, when he made the remark just now that Kentucky was out of the ring for the present, he intended to bring Kentucky into the ring, and how, and when?

Mr. ELIOT. I should like right well to answer that question, but it will take a little time. It is a mere matter of personal opinion that the gentleman inquires about, how long it would be before I should want to bring Kentucky into the ring, and what I would do with her. I have no sort of objection to answer the gentleman's question.

Mr. MALLORY. I want to ask the gentleman from Massachusetts whether he wants to confiscate the landed estate of my colleague [Mr. CLAY] in the State of Mississippi, knowing my colleague to be a Union man? Is he willing that this bill shall so operate as to call my colleague's property in Mississippi abandoned property, and to have that property taken and settled by freedmen, perhaps the slaves of my colleague?

Mr. ELIOT. Certainly not, sir. Certainly not. We are kind-hearted people on this side of the House.

Mr. MALLORY. The gentleman's bill does that very thing.

Mr. ELIOT. Oh no, sir. I pray you read it.

Mr. MALLORY. I have read it, and I think the gentleman himself does not clearly comprehend it.

Mr. KNAPP. If I understand the gentleman, he claims that it is not proposed that this bill shall not operate in the State of Kentucky at all.

Mr. ELIOT. No, sir, it does not.

Mr. KNAPP. I call the attention of the gentleman from Massachusetts to that part of the sixth section which gives the commissioners power to permit persons of African descent, and persons who are, or shall have become, free, to occupy, cultivate, and improve, all lands lying within those districts now or heretofore in rebellion, and all real estate to which the United States shall have acquired title. Now, under the operations of the various confiscation laws, the United States may acquire title to lands in Kentucky, and I desire to know from the gentleman from Massachusetts whether this bill is not intended to operate on these lands.

Mr. ELIOT. I ask the gentleman whether he intends to say that the State of Kentucky is in rebellion?

Mr. KNAPP. No; but I understand that a good many of the citizens of Kentucky have joined the rebellion, and that their property in Kentucky is liable to confiscation.

Mr. ELIOT. Mr. Speaker, there is another view to take of this question of expense. There has not been a day since the fortunes of war first opened to the slave his way to freedom when there have not come to our forts and military camps and within our lines, everywhere when fort or camp or line was accessible, men and women, old and young, of all ages and conditions, healthy and strong, disabled and infirm. Everywhere our banner has been raised the fugitives have tended toward it as the needle turns towards its pole. And they have come under the stars of our flag with the faith of the mariner, who holds his helm so that his disabled bark may keep its course northward although the tempest shall threaten and darkness is all around him, for he knows right well that above the storm the north star is shining and will guide him safely to his home. When they began to come, General Butler received and retained them, for they were "contraband of war."

In old England, when, by mischance, a man was killed, the thing that caused his death was held sacred, and called "deodand." The Union "as it was" has been dashed against the slave and destroyed. Let the slave be "deodand" forever, for he has been forfeited to God! But coming as these slaves did before proclamation or confiscation acts, our Government has been compelled to take them, to feed them, to clothe them, to shelter them, and they still come, and they would come without proclamation



or law. They hail our successful generals as angels of deliverance, and when the Generala chieftain, who is sometimes alluded to on this floor by his irrepressible Representative, shall advance again his conquering armies, he will hear sounding through rice field and cane-brake and savanna and swamp, hearty and earnest hosannas to Universal Salvation Grant! These freedmen must live at the Government charge until they are permitted to support themselves. We cannot help it. We have not been able from the beginning to avoid it. In Virginia and Maryland and North Carolina and all down the Mississippi, and upon the sea islands of the South, the same causes have operated and the same results have followed. We have no means of knowing until the facts can be gathered from the different military departments how many rations or what other aid it has been necessary to provide for refugees from bondage. It ought, indeed, to be stated that such aid has been given not only to colored refugees, but to the "poor whites" to keep them from starvation. In the report of Messrs. Owen, McKay, and Howe to the War Department, it is said that—

"In November last General Butler was feeding in New Orleans thirty-two thousand whites, seventeen thousand of whom were British born, and only ten thousand negroes; these last chiefly women and children, the able-bodied negro men being usually employed on abandoned plantations. Nor where relief has been required by both whites and blacks have the latter usually applied for or received in proportion to their number nearly as much as the former. Mr. Vincent Colyer, appointed by General Burnside at Newbern, North Carolina, superintendent of the poor, white and black, reports that while seven thousand five hundred colored persons and eighteen hundred white persons received relief," \* \* \* "the average proportion dealt out" \* \* \* "was about as one to each colored person to sixteen for each white person. At the time this occurred, work was offered to both blacks and whites—to the whites at the rate of twelve dollars a month, and to the blacks at the rate of eight dollars a month."

It is also true that no needless expense has been incurred. Captain Hooper, in speaking of the department of the South, says:

"Where the Government has been obliged to support destitute contrabands it has issued only such portions of the Army rations as were absolutely necessary to support life. No fair-minded man acquainted with the facts of the case can say that in this department they have so far been a great burden to such a Government as our."

I have no reason to believe that in any of our departments aid has been given where it was not necessary.

But the point I make is that large expenses are now incurred. And it is impossible to prevent this change from being continued needlessly unless the Government shall take this matter in hand and by its own organized and systematic action enable the freedmen to support themselves. The sooner this bureau is efficiently established, the sooner that expense will be avoided.

Mr. Speaker, it is not possible that the work of this bureau can be properly performed by any agency except that of the Government. The argument on this point is well stated in the letter to the President from the freedmen's societies of Boston, New York, Philadelphia, and Cincinnati:

"There is not yet in the public mind any duly awakened sense of the magnitude of the negro question, as for two years there was not of the war itself. The Government must know, even better than the people, what the vastness of the question is, and is it not proper for us to ask if, Mr. President, the Government is doing, or preparing to do, what is necessary to meet it; to reduce the evils connected with emancipation to their lowest point, and to elevate its blessings to the highest; to establish a system, carefully considered and adapted, and executed with energy and zeal, for the thorough and general dealing with the freedmen? It is plain to us, with our experience, that the question is too large for anything short of Government authority, Government resources, and Government ubiquity to deal with. The plans, the means, the agencies within any volunteer control are insignificant in their adequacy to the vastness of the demand. Our relief associations have discharged their highest duty in testing many of the most doubtful questions touching the negroes' ability and willingness to come under direction when direction has lost its authoritative character. They have proved the freedman's diligence, docility, and loyalty, his intelligence and value as a laborer. They have alleviated much want and misery also. But were their resources ten times what they are, and ten times what they can be made, they would be no substitute for the governmental watchfulness and provision which so numerous a race under such extraordinary circumstances requires. In our judgment the present and future of the freedmen demands a kind and degree of study, of guidance, and of aid, which it is in the nature of things impossible the Government should give indirectly, or by means of any existing bureau or combination of bureaus. The

"case is large enough, serious enough, urgent enough, involving the nation's interest, its humanity, the respect of the people for the Administration, and our reputation throughout the world, to require the best ability the country offers, organized in a regularly constituted Government bureau, with all the military and civil powers of the Government behind it, with all the existing machinery of transportation, commissary stores, and quartermaster's facilities, with all the omnipresence of the national agencies co-ordinated and brought to bear upon the treatment of the case.

"We ask, then, your interposition with Congress, recommending the immediate creation of a Bureau of Emancipation, charged with the study of plans and the execution of measures for easing, guiding, and in every way judiciously and humanely aiding the passage of our emancipated and yet to be emancipated blacks from their old condition of forced labor to their new state of voluntary industry.

Mr. Speaker, I will not at this time discuss at length the brief and simple provisions of this bill. The duties imposed on the commissioner are large, but not more so than is necessary to make the bureau effective. It is connected with the War Department for obvious reasons. From the beginning of the rebellion the military power which effected the freedom of the slave has been invoked for his protection. The power of the War Department is required to command respect and obedience where rebellion has so recently had control. In fact, most that has hitherto been accomplished to organize and adjust labor, excepting the action under the tax act of June, 1862, has been done under authority and pursuant to orders which have emanated from that Department, and for the present there can be no doubt that the functionaries employed should find their official chief in the Secretary of War.

Sir, my duty will not have been performed without stating distinctly the clear constitutional power of Congress to legislate in the direction of this bill.

First, by the Constitution the President is made Commander-in-Chief of the Army and Navy of the United States. He has, therefore, in time of war all the powers which by the recognized laws of war are conferred upon that high office. Such powers are as constitutional as that to appoint an ambassador with the advice and consent of the Senate, or a judge of the Supreme Court.

By the rebellion the war powers of the President and Congress have been invoked and are in force; among them the power to liberate the slaves of the enemy is one of the most efficient and humane. That has been used. But the power to liberate three million slaves involves the duty of their needful protection. Without that the exercise of the power to liberate might be a crime. Such protection by the Government which made free cannot be given without the action of Congress. Without that the power of the President cannot be carried into effect. By the direct terms of the Constitution Congress has power to make all laws necessary to carry into execution all the powers conferred upon the President.

Secondly, Congress has power to declare war and to "make rules concerning captures on land." The slaves liberated by the confiscation act, and to be liberated by its provisions, are captives of war, and as such are proper subjects of our legislation.

Thirdly, Congress has power "to make rules for the government and regulation of the land and naval forces." Legislation has become necessary and laws have been passed to regulate the conduct of the Army in regard to slaves found in the enemy's country, and to prohibit our officers from returning them to slavery. But those laws would be imperfect in their operation and might be oppressive in their results without further legislation; and so a necessity has arisen for an act to protect the freedmen.

Fourthly, the President, as Commander-in-Chief, has a right to issue all proclamations, as recognized by the laws of war, *addressed to the public enemy*. The faith of the nation is pledged to make good those proclamations, to maintain their provisions, and to fulfill the pledges which they contain or by necessity imply. The proclamation of freedom has liberated men oppressed by a life-servitude. Those men are now subjects of the Government. They owe to it allegiance, and are as such entitled to its protection. To that end this legislation is required.

Upon all these grounds this bill may securely rest. But if all proclamations were wrong and all laws were without constitutional support which have sought to liberate the slaves of enemies, still the rebellion itself has freed them and they are subjects of our charge. We must protect them or be faithless in our office.

And now, Mr. Speaker, I have stated the imperative necessity of this bill, the high objects which it would accomplish, its brief provisions, and its legal right to our support. It remains to discuss its expected benefits to the freedmen and to ourselves. But first I would invoke the attention of the House to a report submitted by the honorable gentlemen from New York, [Mr. KALBFLEISCH,] and signed by him and by his colleague on the committee, [Mr. KNAPP,] in opposition to this bill, for it assumes to present the argument against the legal power of Congress to legislate and against the expediency of our present action. Its formidable exordium is worthy of note:



"That a careful examination of the provisions of the bill under consideration has convinced your committee that it not only involves grave and important questions, but likewise a task of great magnitude to overcome the legal and apparently just objections which arise upon a fair scrutiny of its contents. Humanity may be pleaded in favor of the passage of the bill, but great caution will have to be exercised, not only that the plea be well founded, but that no unintentional injustice be perpetrated thereby."

One may feel justified in approaching with some timidity an argument thus heralded. But there need be no fear. These four questions are proposed for discussion:

"1. Has Congress the legal power to establish a bureau for the purposes contemplated in the bill; and are the matters intended to be legislated upon within the province of and of a character to make them proper subjects for national legislation."

"2. Has Congress the constitutional power to impose a tax upon the citizens of one State to support the indigent freedmen of another State, no matter how humane and charitable the motives prompting the act?"

"3. Will the passage of the bill in question produce the effect intended or desired? May not results directly opposite from those anticipated by its friends flow from it, and a new system of vassalage, only differing in its appellation with the one hitherto existing between the freedmen and their masters, be inaugurated?"

"4. Should not the bureau, if established, be under the control and direction of the Department of the Interior, instead of the War Department?"

It would be a figure of speech which I am not bold enough to use, to say that these questions are argued. The legal argument upon the first two propositions is disposed of summarily. This is it:

"Your committee are of opinion that Congress has no legal power to carry into effect all the provisions of the contemplated bill. A plea of humanity, policy, or war necessity may be urged in favor of assuming the power, and a forced construction placed upon the plain letter of the Constitution to sanction the act. But a great stretch of power and an unwarranted perversion of the language of the fundamental law will have to be resorted to in this instance to attain this end."

But the minority of the committee do not deem it to be worth their while to state the grounds of their opinion, or any reasons or authority in its behalf. The Commander-in-Chief has used the power of war to declare freedom to the slaves of enemies. Had he a right to do so? The minority of the committee do not deny it. Laws of Congress have been passed to the same end. But the validity of these laws is not brought in question. The fact exists that a nation of freedmen has been created, and that many hundreds of thousands of men, women, and children, who had been in slavery are now within our lines and under our protection, and that they must be at Government charge until aided to self-support. The great question is not approached. But the "committee fail to comprehend" "why the freedmen of African descent should become these marked objects of special legislation to the detriment of the unfortunate whites." These freedmen when in slavery composed the working power of the rebellion. That power has been wrested from the enemy so far as the proclaimed freedom has been enforced. We have a right to make that power available to ourselves. But to this end legislation is required. This is one reason. After a life of servitude, inherited from slave ancestors stolen from their homes and subjected by force to the control of their masters, these freedmen thus invited to freedom for our own security, and recognized as men, have this right, which will not be denied by any theorist of any party; that is to say, the right to earn among us their own subsistence. To that end this legislation is required.

But to what "detriment" of what "unfortunate whites?" The burden of their support is now on the Government and must be borne, and if a "tax upon the labor of the poor" is the detriment and the "less favored white men" are the "unfortunate whites" referred to by the report, who must bear the tax? Then let this bureau be quickly organized, for so the burden will be at once lifted up and the "detriment" be converted into profit. It is objected to this bill that its "machinery" is insufficient, and that it will be well to leave it with its originators until an intelligent and well-defined system has been matured. Then let the objectors suggest more operative machinery, and by judicious amendments perfect the system. Men, who know by study and by sight the wants of the freedmen and of the Government, have carefully examined the provisions of this bill. The "machinery" by which this bureau will become most useful and effective must be made in the light of experience and by judicious and wise men, mindful equally of the rights of the Government and the necessities of the freedmen. A detailed system of government embodied in this organic law would be unwise and prejudicial to all the interests concerned. But two gentlemen, who represent the minority of the committee, say:

"If these freedmen of African descent are still slaves, and the Government have inherited or taken by conquest the position of their masters, they are of course liable to be separated from the free population, have their tasks assigned them, and their wages controlled and established by the representatives of their masters; but if the presidential proclamation has had any effect, and if they are freedmen in anything else but in name, in the opinion of your committee, the Constitution of the United States and of the several States prescribes that jurisdiction over most of the subjects mentioned in the bill shall be vested in the judiciary."

Mr. KALBFLEISCH. Do I understand the gentleman from Massachusetts to say that only two members of the committee dissented from the majority report?

Mr. ELIOT. I say so.

Mr. KALBFLEISCH. That is not my understanding. The gentleman from New Jersey [Mr. MIDDLETON] was not present in committee, but I believe he coincides with our views.

Mr. ELIOT. The gentleman from New Jersey is present now, and can contradict my statement if it is not correct.

What does this mean? This bill does not seek to separate the freedmen from the free population, or to assign them tasks, or to control and establish wages. But assuming the effectiveness of the proclamation, on what does the "opinion" rest that the constitutions of the several States vest in the judiciary "jurisdiction over most of the subjects mentioned in the bill?" What constitutions and what States are referred to? Is the sovereign State of South Carolina one of them? But the report finds that too many clerks may be appointed at Washington; that in fact they may be appointed without any limitation as to number "except that they are restricted to two in a class, but without any limitation as to the number of classes." The "careful examination" which the minority of the committee have given to this matter has failed to inform them that there are just four classes of clerks, and that two of each class would therefore give eight clerks precisely, if the whole number authorized by the bill should be appointed. "It appears," argues the report, "depending entirely upon the necessity existing in his mind whether" "the power of disposing" of "these freedmen may not revive most of the odious features of slavery without its name. This argument defies analysis, and cannot be made more clear than by its statement; but it was not quite fair to refrain from showing how it appears that such contingency might depend on such necessity existing in the mind of the Secretary of War.

But the minority of the committee feel it to be right to say:

"Under the provisions of the bill the freedman may be as effectually stripped of the proceeds of his labor to build up the fortunes of an avaricious superintendent as though he were under the control of a master, without enjoying the benefits of the protection and support the system of slavery affords."

This gratuitous statement is without justice or fairness, or foundation in fact. Under the fair administration of this bureau no superintendent can oppress the freedman for personal gain. This must have been obvious if examination had been given to the provisions of the bill. The criticism is not true. But this remarkable report proceeds to say:

"Large sections of rebel slave territory have been brought within the military power of our Government; and it is highly probable that still larger portions of such territory will be added thereto. Your committee cannot conceive of any reason why this vast domain, paid for by the blood of white men, should be set apart for the sole benefit of the freedmen of African descent, to the exclusion of all others, and leased for an unlimited time, thereby preventing its occupation, except by them, at least for a long time to come. It seems to your committee incomprehensible, nay, extremely unjust."

What seems "incomprehensible, nay, extremely unjust?" These gentlemen cannot conceive of any reason why this domain should be set apart for the exclusive benefit of freedmen! But why complain because of that inability? This bill does not tax their power in that direction. Such proposed use of these lands would be simple enough and "comprehensible," whether just or unjust, but the proposition before the House involves the consideration of no such question.

The report of the minority becomes more unfair as it draws to its close. It says:

"The bill proposes to give to each petty superintendent the determination of all questions relating to the disposition and direction of all persons of African descent becoming free under any proclamation, military rule or order, or by any act of the State governments, with power to establish and enforce regulations such as may be deemed proper for the judicious treatment and disposition of such freedmen, and with power to assign lands, &c. An institution like this, which assumes the functions of the judiciary over a large portion of the population, and combines with it the domestic management of the freedman, cannot be carried out without spreading a network of



"officials over all the conquered States, as numerous as the slavemasters whom this system supersedes."

The bill proposes no such thing. It is difficult to see how one of fair intelligence could examine its provisions and make such a statement. But it is as difficult to believe that an honorable opponent could make it without examination. Upon this point the bill shall speak for itself. The President is empowered to appoint, with the advice and consent of the Senate, a "Commissioner of Freedmen's Affairs"—

"To whom shall be referred the adjustment and determination, under the direction of the Secretary of War, of all questions arising under this act, or under any laws now existing or hereafter to be enacted, concerning persons of African descent and persons who are or shall become free by virtue of any proclamation, law, or military order issued, enacted, or promulgated during the present rebellion, or by virtue of any act of emancipation which shall be enacted by any State for the freedom of such persons held to service or labor within such State, or who shall be otherwise entitled to their freedom. And the said Commissioner shall have authority, under the direction of the Secretary of War, to make all needful rules and regulations for the general superintendence, direction, and management of all such persons, and to appoint a chief clerk who shall be also a bonded disbursing officer, and shall have an annual salary of \$2,000 and such number of clerks, not exceeding two of each class, as shall be necessary for the proper transaction of the business of said bureau.

The closing paragraphs of this report are as follows:

"Could this at once be made a self-sustaining system, to be supported by the labor which it controls and directs, and for whose benefit it is intended to act, there might be a semblance of propriety and justice in its proposed inauguration. But if it is to be converted into a grand almshouse department, whereby the labor and property of the white population of the country is to be taxed to support the pauper labor of the freedmen and mendicant officials of the country, its operations cannot be too closely scrutinized.

"The Government have as yet been rather unfortunate in their efforts in behalf of the freed slaves, and it seems to your committee to be very desirable that legislation upon this subject, if it can be done legally, should be confined to the absolute existing wants of the country. After the transition state through which we are now passing shall have ended, and the character and position of this class of our population shall have become better defined, the rights of the Government to the title of the confiscated property determined by competent authority, it will be time enough to initiate a system adapted to their wants and capacities, and calculated for their protection and humane treatment."

How can this system be made self-sustaining until it is inaugurated? We have no doubt, and the minority of the committee do not deny, that the labor for whose benefit it is proposed to act will support this bureau. Its propriety and justice will then be vindicated upon industrial and material grounds as fully as upon grounds of humanity its necessity is now apparent. Of course its operations must be closely scrutinized if it is converted into an "almshouse department." But the scrutiny will be in season when the conversion is apprehended. But what if it be true that Government has been unfortunate in its efforts in behalf of the freed slaves? The Government has done what it could. But Congress has done nothing. The fact asserts the need of action, at once and effective, that such reproach shall be removed. Let legislation be confined to the "absolute existing wants of the country." That is all we propose. But that which is demanded should be had without delay.

Is it true, Mr. Speaker, that we should wait until the quiet of peace shall have hushed the echoes of this war before we initiate any system adapted to the wants and capacities of these freedmen? What can there be in the "character and position of this class of our population" that needs to be defined before we act? Their "character" is not unknown to us. Their social degradation compelled by slavery, their trustful nature, their thirst for knowledge, their willingness to work for the wages of labor, their yearning after what the white man also covets—position, and property which will secure position—we know these things. But we do not know, and shall not until we give them the rights of men, what are their full capacities for that life which is above the material life and that "pursuit of happiness" which aims at ends beyond the horizon which slavery defines.

But what shall be done before that time arrives? Is it the purpose of these gentlemen and of those who act with them in this House that our Government shall maintain these freedmen without system and at unlimited and indefinite cost, furnishing rations and hospital supplies and clothing, and keeping them in camps under military rules? If this were possible is it wise? And when the time shall have come at which the gentleman from New York [Mr. KALBFLEISCH] suggests that a system for their humane treatment may be initiated will it be more lawful or constitutional to act then than

now? Why, sir, the case is too plain for argument. Now is the accepted time. And this Congress will bear the deserved reproach, not only of this great-hearted nation, but of all nations of Christian men, if we falter in this work.

Mr. Speaker, it has somewhat appeared already how the parties to this bill will be the better for the law. But I would take a wider view of this grand work which the war has put upon us. From its commencement no man has been able to anticipate events. Nothing has occurred as the wisest seer predicted. Great generals have failed, and men unknown to fame before have conducted us to victory. Battles have been won in the valleys and "above the cloud" by a rank and file bravery which the annals of military history cannot rival. Who of us has not had occasion to say, "Not unto us, but unto Thee, O God! be rendered the praise!"

And now out of the war a new nation of men has arisen. No power in Constitution, in President, or in people outside of the rebel States could have held out to them its liberating arm in time of peace. The mad ambition of slave owners, which struck at the life of the nation to give new life to slavery, disclosed the power to strike back the blow, and in the fullness of time a man was found commissioned to the work.

We read that in the beginning God said, "Let there be light, and there was light." But since the beginning human agencies have worked out the ways of Providence; and never in history since that great fiat has it been given to more than one man to lift up from three million souls the darkness and the doom of slavery. Our duty He has assigned us now. I believe that this bill, wisely administered, will complete the work.

It will enable the Government to help into active, educated, and useful life a nation of freedmen who otherwise would grope their way to usefulness through neglect and suffering to themselves, and with heavy and needless loss to us.

They are children of the Government. By the necessities of war deprived of the guiding and controlling hand which had held in stern mastery their earthly destinies, they are unused to rights heretofore denied them, yet they know somewhat of them by instinct and by association. No matter how abject the slavery, the idea of freedom is in the soul, and when the friendly hand has been extended the freedman has shown capacity and will to walk as a man among men. What they require is to be made sure that they are free, and to be furnished a chance to work and to be guaranteed their reasonable wages. Work they understand. Their mothers worked before them, and went down into dishonored graves, cursed by the unpaid toil of bondage. But wages they have not owned, and in the right to earn and to enjoy them they find their manhood. Soon they will find the place they have a right to fill. Quick to learn, appreciating kindnesses, and returning them with veneration and affection, earnest to acquire property, because that too is proof of manhood, they ask but opportunity, and guidance, and education for a season, and then they will repay you some thirty, and some sixty, and some an hundred-fold.

Without your legislation the freedmen able to fight will be alienated from your cause; the freedmen unfit for service, with the young and the aged and infirm, will be a charge upon your Treasury. But give the aid which this bill can secure to them and you will quickly find not only that peace which comes from duty well discharged, but material strength and a recompense of reward which after all the expenses of your bureau shall have been defrayed will contribute to your wealth.

So shall this, your act, give to the freedmen of the South and to all the freemen whom you represent, "beauty for ashes, the oil of joy for mourning, and the garment of praise for the spirit of heaviness."